

David H. Bernstein  
**DEBEVOISE & PLIMPTON LLP**  
919 Third Avenue  
New York, NY 10022  
(212) 909-6696 (Phone)  
(212) 521-7696 (Fax)  
dhbernstein@debevoise.com

*Attorneys for Defendants NBCUniversal Media LLC,  
NBC Sports Ventures LLC, NBC Sports Network, LP.,  
GolfNow, LLC, The Golf Channel, LLC a/k/a TGC,  
LLC d/b/a The Golf Channel, Rory McIlroy Inc.,  
and Rory McIlroy*

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X  
GOLFCLUB LLC,

Case No. 1:20-cv-4802-AJN

Plaintiff,

-against-

NBCUNIVERSAL MEDIA, LLC d/b/a  
NBC, NBC SPORTS VENTURES LLC,  
NBC SPORTS NETWORK, L.P.,  
GOLFNOW, LLC, THE GOLF CHANNEL,  
LLC a/k/a TGC, LLC d/b/a THE GOLF  
CHANNEL, RORY MCILROY INC., and  
RORY MCILROY,

Defendants.

----- X

**STIPULATION OF PARTIAL DISMISSAL AND  
STIPULATION AND PROPOSED ORDER FOR  
LEAVE TO FILE SECOND AMENDED COMPLAINT AND FOR  
SCHEDULE FOR RESPONSE AND INITIAL PRETRIAL CONFERENCE**

Plaintiff GolfClub LLC; Defendants NBCUniversal Media LLC, NBC Sports Ventures  
LLC, NBC Sports Network, LP., GolfNow, LLC, and The Golf Channel, LLC a/k/a TGC, LLC

d/b/a The Golf Channel (together, the “NBC Defendants”); and Defendants Rory McIlroy Inc., and Rory McIlroy (together, the “McIlroy Defendants”), hereby submit this Stipulation and Proposed Order.

WHEREAS, on June 23, 2020, Plaintiff filed a complaint alleging unfair competition and deceptive competition, under the Lanham Act, 15 U.S.C. §§ 1125(a) (the “Trademark Claim”) against all the defendants, and illegal acquisition under Sections 4 and 7 of the Clayton Act, 15 U.S.C. §§ 15, 18, and unlawful monopolization under Section 2 of the Sherman Act, 15 U.S.C. § 2 (together, the “Antitrust Claims”) against the NBC Defendants; and

WHEREAS, on June 25, 2020, Plaintiff filed an amended complaint with the same causes of action; and

WHEREAS, the deadline for response to the amended complaint is August 24, 2020; and

WHEREAS, no defendant has served an answer or moved to dismiss; and

WHEREAS, the Court has scheduled an initial pretrial conference for September 25, 2020; and

WHEREAS, the McIlroy Defendants have communicated to Plaintiff that in their view they are not proper parties to this action and have indicated that they would seek dismissal; and

WHEREAS, the NBC Defendants have communicated to Plaintiff that in their view certain of the NBC Defendants are not proper parties to the action and have indicated that they would seek dismissal of those parties; and

WHEREAS, the NBC Defendants have communicated to Plaintiff that in their view the Antitrust Claims do not state a cognizable cause of action and have indicated that they would seek dismissal of those claims; and

WHEREAS, the parties have reached agreement on dismissal without prejudice of certain of the defendants, dismissal without prejudice of the Antitrust Claims, amendment of the complaint, a schedule for response to the complaint, and a proposed rescheduling of the initial pretrial conference (which conflicts with a previously scheduled deposition in another matter);

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff voluntarily dismisses all claims against the McIlroy Defendants without prejudice.

2. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff voluntarily dismisses all claims against NBC Sports Ventures LLC and NBC Sports Network, L.P without prejudice.

3. Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i), Plaintiff voluntarily dismisses Counts Two and Three of the amended complaint without prejudice.

4. On or before August 14, 2020, Plaintiff shall file a Second Amended Complaint that reflects the voluntary dismissals referenced above, but that will not otherwise substantively modify the remaining allegations, will not substantively modify the Trademark Claim, and will not add any new parties or claims.

5. On or before September 25, 2020, the remaining Defendants NBCUniversal Media, LLC d/b/a NBC, GolfNow, LLC, and The Golf Channel, LLC a/k/a TGC, LLC d/b/a The Golf

Channel will answer the Second Amended Complaint. The remaining Defendants NBCUniversal Media, LLC d/b/a NBC, GolfNow, LLC, and The Golf Channel, LLC a/k/a TGC, LLC d/b/a The Golf Channel agree that they will not file a Rule 12(b) motion in response to the Second Amended Complaint.

6. Subject to the Court's availability, the parties jointly request adjournment of the initial pretrial conference to October 23, 2020, October 30, 2020, or November 6, 2020, or another date convenient for the Court and Parties.

Dated: July 31, 2020

By: /s/ Edward A. Paltzik  
Edward A. Paltzik  
**JOSHPE MOONEY PALTZIK LLP**  
360 Lexington Ave., Suite 1502  
New York, NY 10017  
(212) 344-8211 (Phone)  
(212) 313-9478 (Fax)  
epaltzik@jmpllp.com

*Attorneys for Plaintiff GolfClub LLC*

Dated: July 31, 2020

By: /s/ David H. Bernstein  
David H. Bernstein  
**DEBEVOISE & PLIMPTON LLP**  
919 Third Avenue  
New York, NY 10022  
(212) 909-6696 (Phone)  
(212) 521-7696 (Fax)  
dhbernstein@debevoise.com

*Attorneys for Defendants NBCUniversal Media LLC, NBC Sports Ventures LLC, NBC Sports Network, LP., GolfNow, LLC, The Golf Channel, LLC a/k/a TGC, LLC d/b/a The Golf Channel, Rory McIlroy Inc., and Rory McIlroy*

IT IS SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2020.

The initial pretrial conference is rescheduled for: \_\_\_\_\_

---

Hon. Alison J. Nathan, United States District Judge